

Notice of Allowability

Application No.

10/075,027

Examiner

Habte Mered

Applicant(s)

AOKI, YOSHIKAZU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 5/31/2007.
2. ☒ The allowed claim(s) is/are 1,3,5,7,8,10,12 and 14-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Allowable Subject Matter

1. **Claims 1, 3, 5, 7, 8, 10, 12, and 14-18** are allowed.
2. The following is an examiner's statement of reasons for allowance:
3. **Claims 1, 3, 5, and 15** are allowable over the prior art of record since the cited references, taken individually or in combination, fail to particularly teach or suggest a system (i.e. claims 1, 3, and 5) and a computer-readable recording medium (i.e. claim 15) for dispersing the load of a network in data communications between a monitoring unit and a plurality of remote nodes that are connected to the monitoring unit via a broadband network, wherein the monitoring unit comprises a communication order unit, a communication interval determining unit, and a communication control unit that selects nodes associated with a transmission line to be polled based on a comparison of a first ratio and a second ratio, wherein the first ratio is represented by a total number of nodes divided by the number of nodes accommodated by the selected transmission line and the second ratio is represented by the total number of nodes involved in the polling divided by the number of nodes polled in each of the transmission lines. It is noted that the closest prior art Takashi et al (Japanese Patent Publication Number 02-131044) discloses selecting nodes to be polled based on a constant polling interval.
4. **Claim 7** is allowable over the prior art of record since the cited references, taken individually or in combination, fail to particularly teach or suggest a system dispersing the load of a network in data communications between a monitoring unit and a plurality of remote nodes that are connected to the monitoring unit via a broadband network, wherein the monitoring unit comprises a polling order determining unit, a polling interval

determining unit, a communication interval determining unit, and a control unit that selects nodes associated with a transmission line to be polled based on a comparison of a first ratio and a second ratio, wherein the first ratio is represented by a total number of nodes divided by the number of nodes accommodated by the selected transmission line and the second ratio is represented by the total number of nodes involved in the polling divided by the number of nodes polled in each of the transmission lines. It is noted that the closest prior art Takashi et al (Japanese Patent Publication Number 02-131044) discloses selecting nodes to be polled based on a constant polling interval.

5. **Claims 8, 10, and 12** are allowable over the prior art of record since the cited references, taken individually or in combination, fail to particularly teach or suggest a method of dispersing the load of a network in data communications between a monitoring unit and a plurality of remote nodes that are connected to the monitoring unit via a broadband network, wherein the method comprises determining an order of communications and determining a communication interval between the monitoring unit and the plurality of remote nodes and selecting nodes associated with a transmission line to be polled based on a comparison of a first ratio and a second ratio, wherein the first ratio is represented by a total number of nodes divided by the number of nodes accommodated by the selected transmission line and the second ratio is represented by the total number of nodes involved in the polling divided by the number of nodes polled in each of the transmission lines. It is noted that the closest prior art Takashi et al (Japanese Patent Publication Number 02-131044) discloses selecting nodes to be polled based on a constant polling interval.

6. **Claim 14** is allowable over the prior art of record since the cited references, taken individually or in combination, fail to particularly teach or suggest a method of dispersing the load of a network in data communications between a monitoring unit and a plurality of remote nodes that are connected to the monitoring unit via a broadband network, wherein the method comprises determining an order of polling the plurality of nodes to be monitored and determining a polling interval between the nodes to be monitored and selecting nodes associated with a transmission line to be polled based on a comparison of a first ratio and a second ratio, wherein the first ratio is represented by a total number of nodes divided by the number of nodes accommodated by the selected transmission line and the second ratio is represented by the total number of nodes involved in the polling divided by the number of nodes polled in each of the transmission lines. It is noted that the closest prior art Takashi et al (Japanese Patent Publication Number 02-131044) discloses selecting nodes to be polled based on a constant polling interval.

7. **Claims 16, 17, and 18** are allowable over the prior art of record since the cited references, taken individually or in combination, fail to particularly teach or suggest a system (i.e. claim 16), a method (i.e. claim 17), a computer-readable recording medium (i.e. claim 18) for distributing the load of a monitoring unit through polling a plurality of nodes wherein the nodes are connected to the monitor via broadband network and wherein the monitoring unit comprises a polling order determining unit, a polling interval determining unit, and a control unit that controls the monitoring unit to carry out polling of the plurality of nodes to be monitored by selecting nodes associated with a

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transmission line to be polled based on the basis of a comparison of a ratio of the total number of nodes in the network being monitored divided by the number of nodes associated with the transmission line with a ratio of the current total polled nodes in the network divided by the current total number of polled nodes associated with the transmission line. It is noted that the closest prior art Takashi et al (Japanese Patent Publication Number 02-131044) discloses selecting nodes to be polled based on a constant polling interval.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Mered whose telephone number is 571 272 6046. The examiner can normally be reached on Monday to Friday 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H. To can be reached on 571 272 7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HM
6-20-2007